

DECLARATION FOR REISSUE APPLICATION

by Assignee of Joint Inventors

I, Rafael Simon declare that I am a citizen of the United States of America residing at 182 Sterling Street in the City of Hamilton and Province of Ontario;

that I received a Doctor of Philosophy degree in 1996 from University of California at Berkeley and was employed by Zenon two years later;

that I am Chief Operating Officer of Zenon Environmental Inc. (hereafter "Zenon" for brevity), the Assignee of the invention described and claimed in the foregoing specification of U.S. Patent No. 5,639,373, ("the '373 patent") and for which invention I, on behalf of said Assignee, solicit reissue patent;

that all errors which are being corrected in the above-identified reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicants as required by 37 CFR § 1.175 and MPEP §1414;

regarding errors which arose in the original reissue application, I am informed by the inventors and believe that every such error occurred without any deceptive intention on the part of the applicants;

that at the time co-inventors Mailvaganam Mahendran, Carlos F. F. Rodrigues, and Steven K. Pedersen made the invention or inventions, I was not involved with their activities, nor was I closely associated with their activities when a prior reissue application Ser. No. 09/333,669 was filed on 15 June 1999;

09/333,669

that I do not know and do not believe that said invention or inventions was ever known or used in the United States of America or Canada before the invention thereof by said co-inventors;

that said co-inventors made the invention or inventions described and/or claimed in the aforementioned '373 patent when they were employed by the assignee of said '373 patent;

that said Mahendran and Pedersen are currently employed by assignee; that, in addition to the errors which were noted when the '669 reissue application was filed, correction of which errors have resulted in the first reissue application having been allowed with claims to a microfiltration membrane device having the specified limitations, at least one additional error has now arisen which is corrected by the reissue claims submitted herewith;

that the error which has resulted in the filing of the claims herewith arose because it was not realized that the patentees were entitled to claims with the limitations set forth in the claims filed herewith, and arose without deceptive intention, and, all changes in the claims have been made without deceptive intent;

that as a result of this error I believe the original '373 patent to be wholly or partly inoperative or invalid by reason of the claims being either too broad or too narrow, and in particular in not having claims (which are narrowed versions of the original claim 1 or the '373 patent) as submitted herewith.


that the basis for the claims submitted herewith is amply supported in the specification;

0975660-101401

I hereby appoint Alfred D. Lobo a member of the Bar of the State of Ohio, and a Registered Patent Attorney, Reg. No. 24,109, with offices at LOBO & CO., L.P.A., 933 The Leader Building, 526 Superior Avenue, Cleveland, Ohio 44114-1401, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Address all correspondence to Alfred D. Lobo, using the address given herein.
Address all telephone calls to him at telephone number 216-566-1661.

The undersigned declarant declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, or any patent to which this declaration is directed.

Signature of officer of Assignee 

Date September 13, 2001

Name: Rafael Simon Citizenship: U.S.A.

Residence: 182 Sterling Street, Hamilton, Ontario L8S 4J8

Post Office Address: Hamilton, Ontario L8S 4J8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX: REISSUE APPLICATION

REISSUE APPLICATION BY THE ASSIGNEE,
CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Asst. Commissioner of Patents

Washington, D.C. 20231.

Sir:

This is part of the application for a reissue patent based on the original patent identified below.

Names of Patentees: Mahendran, Mailvaganam; Rodrigues, Carlos F. and
Pedersen, Steven K.

Patent No.: 5,639,373 Date Patent Issued: June 17, 1997

Title of Invention: VERTICAL SKEIN OF HOLLOW FIBER MEMBRANES
AND METHOD OF MAINTAINING CLEAN FIBER
SURFACES WHILE FILTERING A SUBSTRATE TO
WITHDRAW PERMEATE

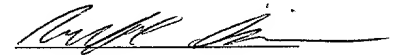
Zenon Environmental Inc. is the assignee of the entire interest in the original patent.

Ownership of the patent is evidenced by a copy of the appended Assignment
recorded on 01/11/96 on Reel/Frame 7765/0126.

Name of assignee: Zenon Environmental Inc.

Signature of person signing for assignee:

Typed name and title of person signing for assignee:



Rafael Simon
Chief Operating Officer

ASSIGNMENT

WHEREAS, WE, Mailvaganam (n.m.n.) Mahendran, Carlos Fernando F. Rodriguez⁵ *OK* and Steven Kristian Pedersen have made a certain invention described in an application for letters patent, executed by me (us, respectively), on the day indicated below, and entitled
**VERTICAL SKEIN OF HOLLOW FIBER MEMBRANES AND
 METHOD OF MAINTAINING CLEAN FIBER SURFACES WHILE
 FILTERING A SUBSTRATE TO WITHDRAW A PERMEATE**
 filed on 11 August 1995 and given Ser. No. 08/514,119

NOW, for good and valuable considerations, the receipt of which is hereby acknowledged, we hereby sell, assign and transfer unto **ZENON ENVIRONMENTAL INC.** a Canadian corporation, having its principal office located at 845 Harrington Court, Burlington, Ontario, Canada L7N 3P3, its successors, legal representatives and assigns, the entire right, title and interest in, to and under said invention and application and any letters patent of the United States which may be issued thereon, together with all reissues of said letters patent, all divisions and continuations of said application, and all application and patent rights for said invention in foreign countries; and we agree to execute all further papers and do all further acts appropriate fully to vest in said **ZENON ENVIRONMENTAL INC.** the rights herein conveyed.

→ Inventor

*M. Mahendran***Mailvaganam (n.m.n.) Mahendran**

PROVINCE OF ONTARIO

Before me personally appeared the person above named, who produced proper identification to me, and acknowledged that he executed the foregoing instrument as his own free act and deed this 14 day of October 1995.

John Whelan
Notary Public

SEAL

→ Inventor

Carlos F. Rodriguez
Carlos Fernando F. Rodriguez⁵ *OK*

PROVINCE OF ONTARIO

Before me personally appeared the person above named, who produced proper identification to me, and acknowledged that he executed the foregoing instrument as his own free act and deed this 14 day of October 1995.

John Whelan
Notary Public

SEAL

→ Inventor

Steven K. Pedersen
Steven Kristian Pedersen

PROVINCE OF ONTARIO

Before me personally appeared the person above named, who produced proper identification to me, and acknowledged that he executed the foregoing instrument as his own free act and deed this 17 day of October 1995.

John Whelan
Notary Public

SEAL

09975220-10444

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*BOX: REISSUE APPLICATION (PATENTS)*REISSUE APPLICATION BY THE ASSIGNEE,
OFFER TO SURRENDER

Assistant Commissioner for Patents

Washington, D.C. 20231.

Sir:

This is part of the application for a reissue patent based on the original patent identified below:

Names of Patentees: Mailvaganam (n.m.n) Mahendran; Carlos F. F.Rodrigues; and
Steven K. Pedersen

Patent No.: 5,639,373 Date Patent Issued: June 17, 1997

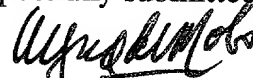
Title of the Invention: VERTICAL SKEIN OF HOLLOW FIBER
MEMBRANES AND METHOD OF MAINTAINING
CLEAN FIBER SURFACES WHILE FILTERING A
SUBSTRATE TO WITHDRAW PERMEATE

The above-identified patent **has been surrendered** during the prosecution of prior Reissue Application Serial No. 09/333,669 filed June 15, 1999 in which the issue fee has been paid.

Zenon Environmental Inc. is the assignee of the entire interest in the original patent.

X A Certificate under 37 C.F.R. 3.73(b) is attached.

Respectfully submitted,



Alfred D. Lobo (Reg. No. 24,109)

09/333,669-101101

CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR § 1.10Express Mail Label No. EK 704 776 920 US

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below as "Express Mail Post Office to Addressee" under 37 C.F.R. 1.10 in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, on **11 October 2001**

11 Oct. 2001

Date of Deposit

Alfred D. Lobo, Reg. No. 24,109